

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** May 11, 2016

**RE:** **CASE #BA-16-002**

**REQUEST:** Variances from Section 15.08B.050 Site Development Regulations in the R-1/Single Family Residential District of the Municipal Code (Zoning Ordinance).

**APPLICABLE**

**CODE SECTIONS:** **§15.08B.050 R-1/Single Family Residential District – Site Development Regulations:**

<u>Minimum Setback</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
<i>Front Yard</i>	<i>25 feet</i>	<i>Greater of 25 feet or existing front setback line of principle structure</i>

**RELIEF SOUGHT:** A 61-foot (m/l) front yard setback variance to allow an accessory structure (detached garage) to be constructed in front of a principle structure.

**LOCATION/LEGAL**

**DESCRIPTION:** Lot 18, Lakewood Villa and half of the canal adjacent

**APPLICANT/**

**OWNER:** Matthew Sibley, 18 Lakewood Villa, Council Bluffs, IA 51501

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**BACKGROUND INFORMATION** – Matthew Sibley is requesting the above variance in order to be allowed to construct a 26'x32' detached garage in front of his residential dwelling at 18 Lakewood Villa (see Attachments 'A' and 'B'). The applicant's dwelling is located 71-feet (m/l) from the front property line and is immediately adjacent to the canal. The proposed garage will be located 10-feet from the front property line as opposed to the minimum setback standards for an accessory structure in an R-1/Single-Family Residential District, as stated above. A letter of intent from the applicant explaining the reasons for the requested variance is included with the report as Attachment 'C'.

The following attachments are included with this report:

Attachment A: Site plan showing the location of the proposed detached garage on the subject property

Attachment B: Proposed garage building plans

Attachment C: Letter of intent from the applicant explaining reasons for the variance request

Attachment D: Location/zoning map of the subject property and surrounding area.

**VARIANCE HISTORY OF LAKEWOOD VILLA** – A total of 23 variances have been approved by the Council Bluffs Zoning Board of Adjustment (ZBA) since the subdivision was annexed into the City in 1969. In the immediate vicinity of the subject property the ZBA has granted the following variances:

- Case #BA-79-057: A 12-foot front yard setback variance to allow an attached garage to be located 13-feet from the front property line at 21 Lakewood Villa.
- Case #BA-83-017: Three side yard setbacks variances (8", 10" and 1'3") to allow the construction of a new single-family residential dwelling at 17 Lakewood Villa.

- Case #BA-95-010: A front yard setback variance to allow a 10'x12' storage shed in front of an existing residential dwelling at 22 Lakewood Villa.

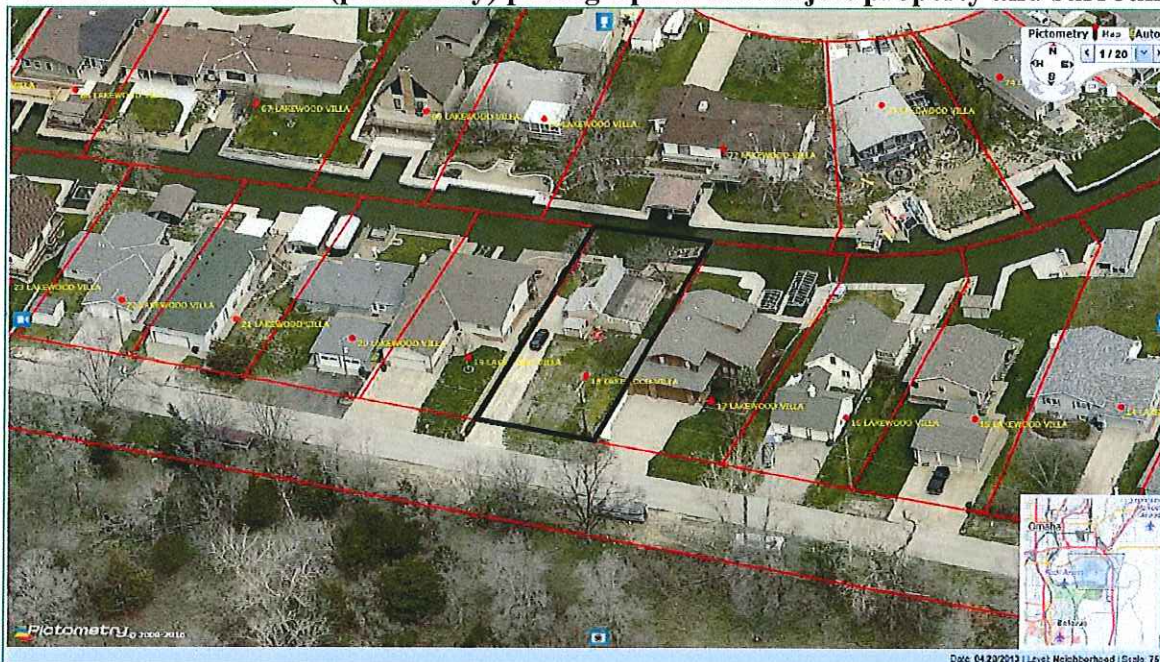
Because of all of the variances and non-conforming structures in existence prior to annexation, it appears that 12 properties within the Lakewood Villa subdivision have accessory structures (e.g., sheds, carports, garages, etc.) located in front of their residential dwelling. Additionally, majority of the residential dwellings in Lakewood Villa appear to have setbacks that do not comply with R-1/Single-Family Residential District standards.

**CURRENT ZONING AND LAND USE** – The entire Lakewood Villa subdivision is zoned R-1/Single-Family Residential District and is developed with single family structures (see Attachment 'D'). Lake Manawa State Park, zoned A-1/Open Space-Conservation surrounds the subdivision. The future land use plan in the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates Lakewood Villa as Low-Density Residential.

The subject property is rectangular-shaped and contains 8,937 square feet of land. The property is relatively flat in topography and directly abuts a canal. One single-story 'A' frame residential dwelling is located on the far north side of the property. According to the applicant, the residential dwelling was originally constructed as a sailboat house which is why it's located on the north end of the property close to the canal. The dwelling's 71-foot front yard setback is fairly unique compared to other properties in Lakewood Villa subdivision. The owner has two other accessory structures (sheds) on the subject property. The first shed is located in front of the existing dwelling and is proposed to be demolished when the garage is constructed. The second shed is located within a side yard area on the west side of the property.

The following exhibits show the existing conditions of the subject property and the surrounding area:

**Exhibit A: 2013 Aerial (pictometry) photograph of the subject property and surrounding area.**



*Note: The subject property at 18 Lakewood Villa is outlined in black.*



**Exhibit B: Front facing view of the subject property from Lakewood Villa.**



**Exhibit C: Rear view of the subject property along west property line area.**





**Exhibit D: Interior side yard view of the subject property along west property line area.**



**CITY DEPARTMENTS AND UTILITIES** – All City departments and local utility providers were notified of the proposed variance request. The following comments were received:

1. Public Works Department has a sanitary sewer line within the north right-of-way of Lakewood Villa. No additional comments for the requested variance were provided.
2. Council Bluffs Water Works has no comments for the proposed variance request
3. Cox Communications has no conflicts with the proposed variance request.

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet of the subject property were notified of the requested variance. No comments have been received from any property owner within 200 feet. One notice was returned as undeliverable.

**COMMENTS** - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when ‘unforeseen applications of this Ordinance...create particular hardships’. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that follow. A variance less than requested may be granted by the Board when the record supports the applicant’s right to some relief, but not to the entire relief requested. (§15.02.080 – Variances)

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The size, shape and topography of the subject property is typical of Lakewood Villa subdivision. The property’s topography is relatively flat with a slight downward slope towards the north end for drainage into the canal. There is an existing residential dwelling on the subject property that has a front yard setback of 71 feet (m/l) measured from the front property*

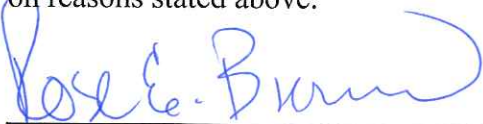


line. The dwelling's setback distance exceeds the minimum 25 feet required in an R-1/Single-Family Residential District and is also greater in distance than the majority of other dwellings in the Lakewood Villa subdivision.

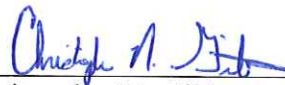
2. Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The subject property is developed with a single-family residential dwelling. The owner can continue to use the property for residential purposes if the variance request is not granted.
3. The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The disadvantage was created by a previous owner who constructed the dwelling on the far north end of the property adjacent to the canal. The dwelling's location encumbers the owner's ability to fully utilize the development potential of his property.
4. Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. No special privileges will be conferred to the applicant if the variance is approved. Lakewood Villa was originally developed in accordance with Pottawattamie County standards prior to being annexed into the City of Council Bluffs in 1969. Since being annexed, the Council Bluffs Zoning Board of Adjustment has granted 23 variances for properties within this development. Allowing the construction of a 26' x 32' detached garage in front of the existing residential dwelling is reasonable. The existing dwelling has an excessively large front yard setback compared to other properties in Lakewood Villa. The proposed 10 foot front yard setback is consistent with other variances granted by the Zoning Board of Adjustment involving properties in the Lakewood Villa subdivision.
5. Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. Granting the variance will not be contrary to the public interest and will not adversely affect other properties in the vicinity. As previously stated, the Council Bluffs Zoning Board of Adjustment has granted 23 variances to properties located in Lakewood Villa since it was annexed in 1969. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. The Community Development Department has determined the applicant's variance request meets this criteria.

## RECOMMENDATION

The Community Development Department recommends approval of the requested 61-foot front yard setback variance to allow an accessory structure (24' x 32' detached garage) to be located 10 feet from the front property line at 18 Lakewood Villa, legally described as being Lot 18, Lakewood Villa, based on reasons stated above.



Rose E. Brown, AICP  
Planning Coordinator



Christopher N. Gibbons, AICP  
Planner





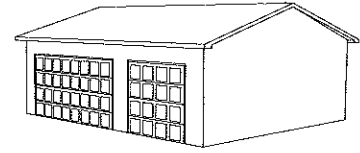
## Items Selected:

Gable roof w/ 4/12 pitch, Standard Trusses 2' O.C.  
Truss Design Location Zip Code: 51501  
2x4 Wall Framing Material  
26' Wide X 32' Deep X 9' High  
Vinyl Dbl 4" Lap Siding  
- White  
7/16" OSB Wall Sheathing  
Block-It Housewrap  
12" gable/12" eave overhangs  
7/16" OSB Roof Sheathing  
Castlebrook, Heatherstone Gray Shingles  
Plastic Roof Vent, Black  
White Vinyl Soffit & Fascia  
White Regular Roof Edge

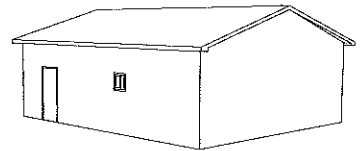
## Options Selected:

The options you have selected are:  
Synthetic Underlayment  
2 Rows Granular Ice & Water Barrier  
Standard Concrete Blocks  
Anchor Bolts  
1 - 16x8 Overhead Door - Premium RP MDP38 EZ Set  
1 - 36x80 Service Door - CP1 Flush Steel RS  
1 - 9x8 Overhead Door - MDP68-W1 EZ Set  
1 - 24x24 Window - White Vinyl Utility

Front View



Back View



**Estimated base price: \$6,401.24\***

The base price includes: 0" Eave/0" Gable Overhangs, Framing Materials, 7/16 OSB Roof Sheathing, 20 yr. Fiberglass Classic - Onyx Black Shingles, Pine Fascia, Galv Regular Roof Edge, 8" Textured Vertical Hardboard Siding, All selected overhead, service and sliding doors are included. Windows and other options are NOT included.

**Estimated price: \$7,960.87\***

\*Today's estimated price, future pricing may go up or down.

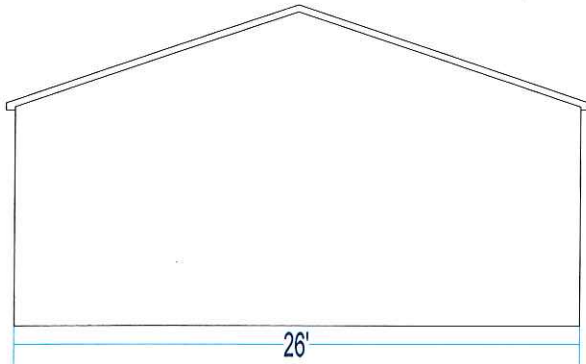
\*Tax, labor, and delivery not included.

**\*\*\* Take this sheet to the Building Materials counter to purchase your materials. \*\*\***

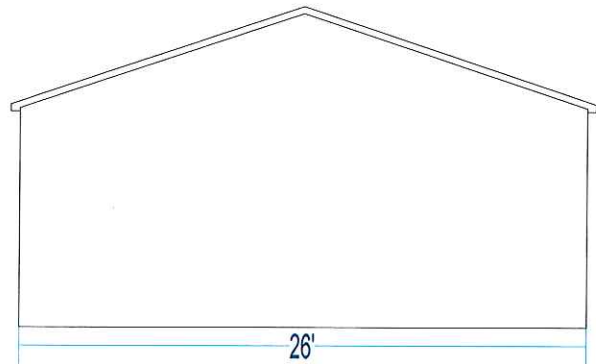
Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

\*\*\* Here are the wall configurations for your design.

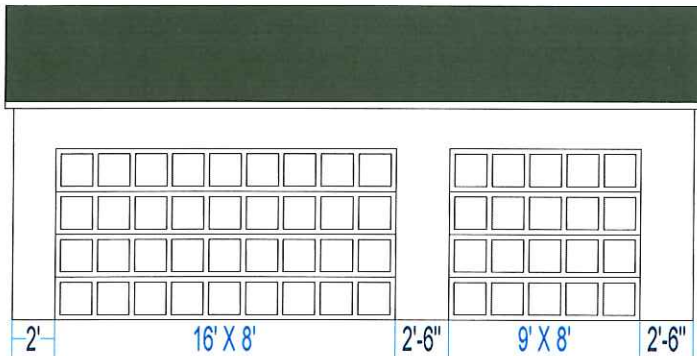
Illustration May Not Depict All Options Selected



Gable Front View

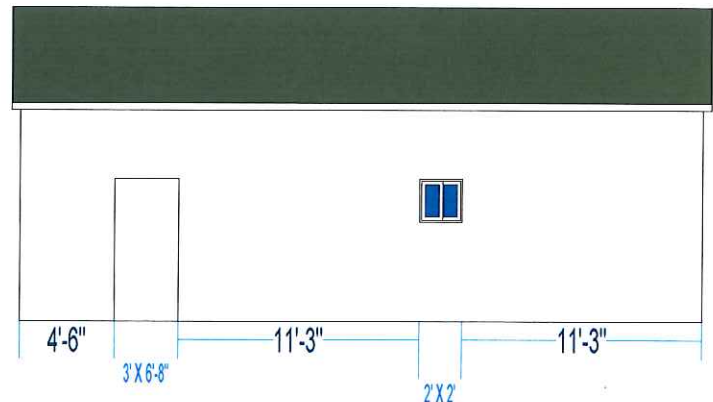


Gable Back View



Eave Front View

(1) -  
(1) -



Eave Back View

(1) -  
(1) -

Building Size: 26 feet wide X 32 feet long X 9 feet high

Approximate Peak Height (includes 1 row of concrete blocks): 14 feet 4 inches (172 inches)

NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.

Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.



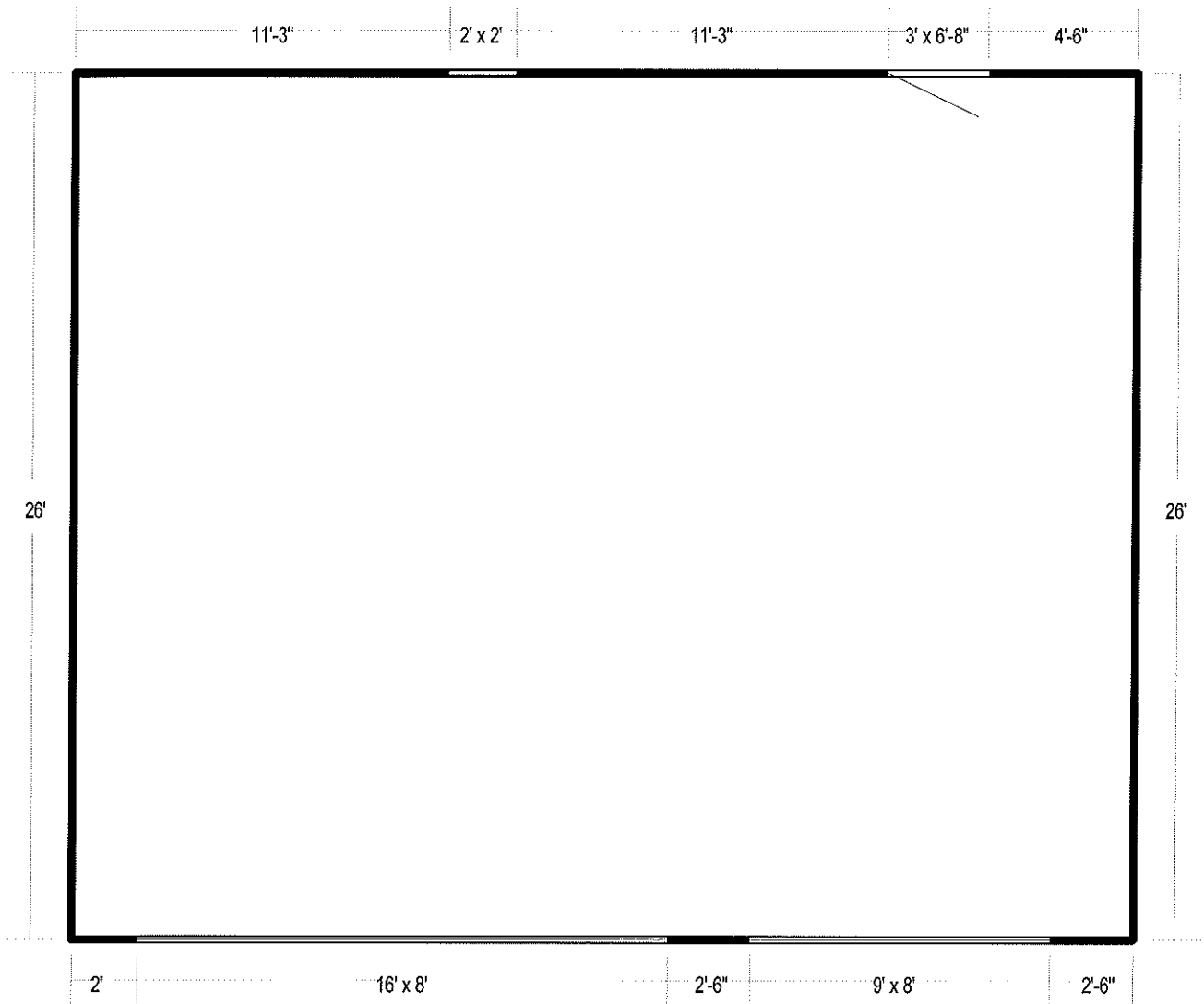
Estimate Id: 6157



Page 3 of 3  
4/18/2016

\*\*\* Garage Floor Plan.

Illustration May Not Depict All Options Selected



Building Size: 26 feet wide X 32 feet long X 9 feet high

Note: Wall construction is 2x4 @ 16" on center

CASE #BA-16-002 ATTACHMENT B

Midwest Manufacturing, Eau Claire, WI

/s/20 s May 1 2014 Miller Industries, Inc. Wed Dec 31 14:11:44 2014 Page 1

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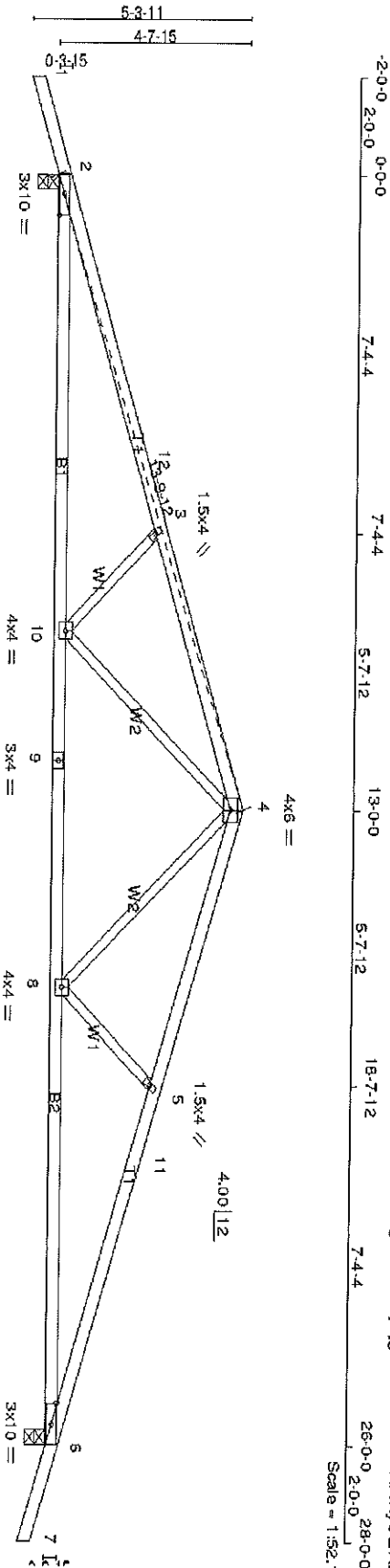


Plate Offsets (X,Y) --		9-4-4		7-3-8		9-4-4		26-0-0	
LOADING (psf)		SPACING		CSI		DEFL.		PLATES	
TCLL (roof)	42.0	Plates increase	2-0-0	TC	0.88	in (loc)	L/d	MT20	GRIP
Snow (Ps/Pg)	41.6/60.0	Lumber increase	1.15	BC	0.84	Vert (TL)	>999		197/144
TCDL	10.0	Rep Stress Incr	YES	WB	0.66	Horz (TL)	2-10		
BCDL	0.0	Code RC2012/TP12007					n/a		
BCDL	10.0						n/a		

**LUMBER:**  
TOP CHORD 2x4 SPF 1650F 1.5E  
BOT CHORD 2x4 SPF 1650F 1.5E  
WEBS 2x3 SPF Stud

**BRACING:**  
TOP CHORD  
BOT CHORD

Structural wood sheathing directly applied or 2-2-0 oc purlins.  
Rigid ceiling directly applied or 10-0-0 oc bracing.  
MITek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

**REACTIONS:** (lb/size) 6=1804/0-3-8 (min. 0-2-14), 2=1804/0-3-8 (min. 0-2-14)  
Max Horz 6=65(LC 18)  
Max Uplift 6=163(LC 11), 2=163(LC 10)  
Max Grav 6=1817(LC 2), 2=1817(LC 2)

**FORCES:** (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.  
TOP CHORD 4-5=3194/330, 5-11=3476/379, 6-11=3693/362, 2-12=3693/362,  
3-12=3476/379, 3-4=3194/330  
BOT CHORD 2-10=271/3383, 9-10=132/2345, 8-9=132/2345, 6-8=271/3383  
WEBS 5-8=876/173, 4-8=40/1098, 4-10=40/1098, 3-10=876/173

**JOINT STRESS INDEX**  
2 = 0.70, 3 = 0.55, 4 = 0.96, 5 = 0.55, 6 = 0.70, 8 = 0.75, 9 = 0.91 and 10 = 0.75

- NOTES:**
- 1) Unbalanced roof live loads have been considered for this design.
  - 2) Wind: ASCE 7-10: Vult=15mph (3-second gust) V(RC2012)=91mph, TCCL=4, 2psf, BCDL=6, 0psf, h=25ft, Cat. II; Exp B; enclosed, MMFRS (envelope) gable end zone and C-C Extension(2) zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MMFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - 3) TCLL: ASCE 7-10: Pr=42.0 psf (roof live load; Lumber DOL=1.15 Plate DOL=1.15); Pg=60.0 psf (ground snow); Ps=41.6 psf (roof snow; Lumber DOL=1.15 Plate DOL=1.15); Category II; Exp B; Fully Exp.; Ct=1.1
- Continued on page 2



To Whom It May Concern:

We are applying for a variance to the zoning on 18 Lakewood Villa St because according to the current zoning, we are not allowed to build a detached garage in front of our house.

As you can see in the attached photos, our house sits along the canal and too far back on our property to allow for a garage behind the house. Also, you can see that 6 of the 16 houses in the area that appear on the attached aerial photograph have detached garages in front of their homes as well.

Because of the disadvantage through the application of this ordinance, we are unable to house our vehicles, or have a sheltered/contained space to work on those vehicles when needed.

The garage will be used to park our 2 vehicles and a boat. The gravel driveway that is currently there will be converted to grass. The small structure you see at the end of the gravel driveway is a 10x10 metal storage shed which doors face the canal and is used to house lake/canal related items like our paddleboards, life vests, patio furniture, lawn care, etc. We would like to keep this shed intact to continue to be used for these things. The smaller wood shed that is currently behind the house will be taken down. The goal is to preserve as much yard as possible between the house and the garage for our dogs to run and to create a back yard garden and hang out space.

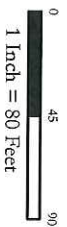
Thank you for your consideration in granting this variance.

Matthew and Krystal Sibley

# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASE #BA-16-002

**Map Legend**

- Case #BA-16-002 - Subject Property
- Parcel
- Address



2013 Aerial Photograph



Note: Subject property highlighted in red.



Last Amended: 04/21/16



Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 328-4629

**DISCLAIMER**

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